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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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09/841,388

04/24/2001

Asif Adatia

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7590

07/27/2006

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EXAMINER

HAVAN, THU THAO

ART UNIT

PAPER NUMBER

3624

DATE MAILED: 07/27/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/841,388

Applicant(s)

ADATIA, ASIF

Examiner

Thu Thao Havan

Art Unit

3624

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 5/15/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-10, 12-15, 17-20, and 22-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-5, 7, 8, 14, 15, 17 and 18 is/are allowed.
- 6) ☒ Claim(s) 9, 10, 12, 13, 19, 20, 22 and 23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

Response to Arguments

In view of the Appeal Brief filed on May 15, 2006, PROSECUTION IS HEREBY REOPENED. The new non-final office action set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

- (1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,
- (2) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims **9-10, 12-13, 19-20, and 22-23** are rejected under 35 U.S.C. 102(e) as being anticipated by Abdelnur et al. (US 2002/0152152).

Re claims 9, Abdelnur teaches a method for automatically executing a securities trade (para. 0005), comprising the steps of:

creating at least one filter (para. 0038; Abdelnur teaches filter" approach can be configured to allow a separate data set of passive orders to be associated with each filter stage within the exchange engine);

entering an order for a security by a client (para. 0023; fig. 2; Abdelnur teaches order entering means as input means.);

applying each of said at least one filter to the order to determine whether the order can be automatically executed (para. 0038; abstract; Abdelnur teaches filtering approach to matching functionality. He discloses a rule based filter to determine whether the passive order matches the active order based upon a rule based criteria, and pricing any matched order.);

routing the order to a destination based upon whether the order can be automatically executed (fig. 4);

automatically executing the order (para. 0005, 0021-0022; 0033-0037; fig. 2; a computerized order matching system in Abdelnur corresponds to the claimed limitation of automatic execution. In addition, Abdelnur teaches execution by exchange engines as automatically executing the order since the exchange engines routinely, mechanically, and robotically orders the functionality of ordering securities. In a further note, Examiner only needs to address the first limitation of "automatically executing the order" and not the second limitation of "routing the order to a trader for manual execution" since Applicant uses the word "or". Only one limitation needs to be met in a phrase with an "or".);

reporting the results of the trade to the client (para. 0021; fig. 1, element 122).

Re claims **10** and **20**, Abdelnur teaches second/third filtering means for determining whether an order to be automatically executed meets the criteria of the market on which the security is trade (para 0019).

Re claims **12** and **22**, Abdelnur teaches second filtering means for determining whether the order can be automatically executed (para.0005; a computerized order matching system in Abdelnur corresponds to the claimed limitation of automatic execution.).

Re claims **13** and **23**, Abdelnur teaches executing means fills the order from inventory (para. 0020). Abdelnur fills the order from inventory by filling orders with an account identifier.

Re claim **19**, Abdelnur teaches a system as claimed in claim 14. Therefore the rationale applied in the rejection of claim 14 applies herein. Furthermore, Abdelnur teaches at least one broker (para. 0018; fig. 1, element 104).

Allowable Subject Matter

Claims **1-5, 7-8, 14-15, and 17-18** are allowed.

The following is an examiner's statement of reasons for allowance: The prior arts of record fail to teach, singly or in combination, executing means for automatically executing the order, whereby, if the order cannot be automatically executed, said routing means sends the order to a trader for manual execution.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably


accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu Thao Havan whose telephone number is (571) 272-8111. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Vincent Millin can be reached on (571) 272-6747. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct-uspto.gov/>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at (866) 217-9197 (toll-free).


Thu Thao Havan
Art Unit: 3624
7/23/2006